

**From:** [Miller, Garyg](#)  
**To:** [Sanchez, Carlos](#); [Meyer, John](#)  
**Subject:** FW: Release of Preliminary Data by PRPs  
**Date:** Monday, September 26, 2016 3:53:00 PM  
**Attachments:** [Baytown Sun 9.22.2016.pdf](#)

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FYI

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**From:** Owens, Rock (CAO) [<mailto:Rock.Owens@cao.hctx.net>]  
**Sent:** Monday, September 26, 2016 3:41 PM  
**To:** Miller, Garyg <[Miller.Garyg@epa.gov](mailto:Miller.Garyg@epa.gov)>  
**Cc:** Walters, Donn <[walters.donn@epa.gov](mailto:walters.donn@epa.gov)>; Edlund, Carl <[Edlund.Carl@epa.gov](mailto:Edlund.Carl@epa.gov)>; Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Foster, Anne <[Foster.Anne@epa.gov](mailto:Foster.Anne@epa.gov)>  
**Subject:** Release of Preliminary Data by PRPs

Dear Gary,

This email replaces one I sent Sunday, September 25, 2016 that was subsequently recalled.

Recently a website that purports to be hosted by International Paper and MIMC featured a document that states it is a summary of recent sampling data collected on behalf of the EPA from the San Jacinto River Waste Pits Superfund Site (this website is located at [sanjacintofacts.com](http://sanjacintofacts.com)). The document in question is entitled *San Jacinto River Waste Pits: 2016 Studies Preliminary Results and Analyses September 8, 2016.* ) and it purports to contain summaries of pore water, sediment, ground water and fish tissue sample data and it can be found at the following link [http://www.sanjacintofacts.com/resources/pdfs/SJRWPDataUpdateSept%208\\_2016.pdf](http://www.sanjacintofacts.com/resources/pdfs/SJRWPDataUpdateSept%208_2016.pdf). In addition to posting on the website, this “preliminary” data and/or summaries of it were leaked to the *Baytown Sun* (see the attached 9-22-16 Op-Ed).

The data released on the website and referenced in the Op-Ed was collected by the EPA after Harris County and other stakeholders expressed dissatisfaction with the PRPs on-site cap inspections and testing after a series of breaches were found in the cap late last year and validated data from samples collected near a 15-foot gap in the cap revealed extremely high levels of dioxin outside the cap’s geotextile membrane.

Harris County strongly objects to the release of “unvalidated” and “preliminary” data by the PRPs and urges that this data should not have been released for the following reasons:

1. While the data summary contains labels like “unvalidated” and “preliminary”, the significance of these terms is unclear to the lay public and it is likely to mislead and to create



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the impression that the data has EPA sponsorship and/or approval or that it has been through the public review and comment process heretofore employed by the EPA with respect to all of the technical documents involving this site previously released to the public by the agency.

2. The summary of data prepared by the PRPs are incomplete and misleading- They purport to summarize all the data collected yet contains statements like "Target compounds not detected in 8 of 10 wells: and "8 of 10 wells meet TSWQS" without offering the complete data sets so that the reader can decide the significance of the data that is omitted.
3. The documents do not identify their sponsors. They do not indicate in any way that they were produced by or on behalf of International Paper or MIMC or that they are derived from preliminary data submitted for review but not yet approved by the EPA.

It's is disturbing, to say the least, that the PRPs have released a summary of sampling data without backup and without the prior approval of the EPA. Consequently, Harris County requests that the EPA direct the PRPs cease and desist any future release of sampling data without the permission of the EPA and that the stakeholders have had an opportunity to review and comment on data as they have in the past.

In addition, Harris County requests that the EPA, in the interest of fairness, provide Harris County and the other stakeholders with the underlying "unvalidated" and "preliminary" data referenced on the PRPs website.

We look forward to your prompt response. Please let me know if you have any questions.

Regards,

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( see attached)

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